To the Right Honourable Lords Spiritual and Temporal in Parliament Assembled.

The Humble Petition of JAMES PERCY.

SHEWETH,

THat this is the 11th. year of the Petitioner's Claim to the Title and Estate belonging to the Earldom of *Northumberland*.

That your Petitioner hath had several Trials at Law, wherein he hath proved a true *Percy*, legitimate, and no Impostor, as long Custom published.

That through the high Priviledges, Policy and Potency of the Opponents, and Treachery of his Solicitor, and falling away of some of his Counsel; all which occasioned Errors both particular and general.

That as *William Percy*, the Brother of the Claimant, was put up to obstruct Proceedings, and now *Francis Percy* Stout Cutthroat tryed up, who declared himself to be the Grandson of *Thomas Percy* that was in the *Gunpowder-Plot*, who in truth was the Son of *Robert Percy*, the Petitioner's great Uncle.

He therefore prays, That a fit day may be appointed, allowing 14 days time to summon in Witnesses, so that the Pedigree may be fully proved, that a true Decision may be made according to Justice, and that Truth may be preserved, and Errors corrected.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

THat whereas the Kings most Excellent Majesty hath been graciously pleased to refer the Petitioner's Cause to the Lords Spiritual and Temporal in Parliament, to Hear and Determine his said Claim to the Earldom of *Northumberland*.

That the Right Honourable Lords were pleased to receive the above-mentioned Petition of *James Percy* the Claimant, at the Bar of the said House of Lords, the 17th. of *November* 1680.

That your Lordships will be further graciously pleased, to Call for the said Petition, and cause it to be Read, and appoint a day for Tryal, according to the Prayer of the aforesaid Petition, so that the Pedigree of your Petitioner may be fully Tryed, with the two Writs of Error.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

Die JOVIS, 25° *Novembris*, 1680.

WHereas JAMES PERCY Esq; hath brought two *Writs of Errour* into this House; In One of which, the said JAMES PERCY is Plaintiff, and *John Blackstone* Esq; is Defendant; And in the other, *Robert Utting* is Plaintiff, and Sir *John Coppleston* is Defendant; Upon both which *Writs*, the *Errors* being assigned, and Issue joyned: It is this Day Ordered by the Lords Spiritual and Temporal in PARLIAMENT Assembled, That this House will hear the *Errors* upon the said *Two Writs of Errour* Respectively, Argued by Councel at the BAR on both Parts, on *Thursday* the 9th. Day of *December* next at *Ten* of the Clock in the Forenoon. Whereof the said *John Blakestone*, and Sir *John Coppleston* respectively, are to cause Timely Notice to be given to the said JAMES PERCY for that Purpose.

JOHN BROWNE,
Cleric' Parliamentor'

The Councel's Opinion, to prove the Pedigree, *manifests* Errours, Removes, Mistakes *and* Scandals; *and makes a clear way to* Justice.

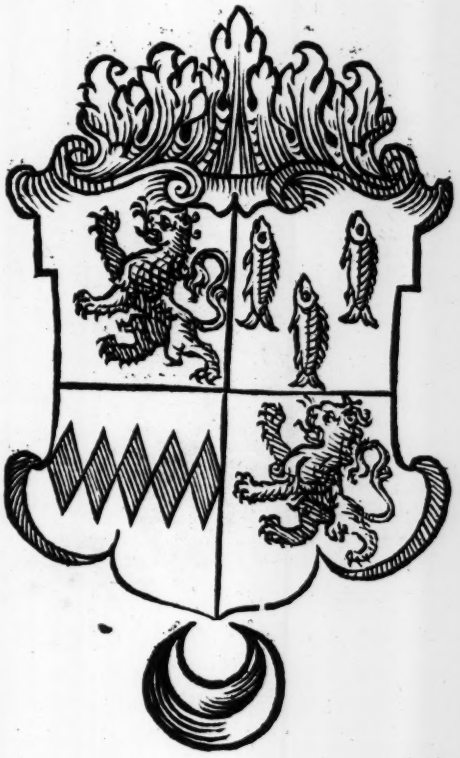
Therefore the following Pedigree *is prepar'd for the Right Honourable Lords Spiritual and Temporal in* Parliament *at the Day of Hearing,*

HENRY PERCY, 5th. Earl of *Northumberland*, Married; and had Iſſue 3 Sons, *viz.*

I. *Henry Percy*, 6th. Earl of *Northumberland*, Married, and dyed without Iſſue.

II. *Thomas Percy*, Married, and had Iſſue; But when *Joſceline Percy* the 11th. Earl dyed; the Heirs Males of this Line were Extinct alſo.

III. Sir *Ingelram Percy*, Married, and had Iſſue 2 Sons, (*viz.*) *Henry*, and *Robert*.



Henry Percy, Eldeſt Son, Married, and had Iſſue 3 Sons (*viz.*) *James*, *William*, and *Henry*; But the 2 elder Brothers dyed without Iſſue-male

Henry Percy, (Third Son,) Married, and had Iſſue 3 Sons (*viz.*) *Henry*, *James*, and *Henry*: But the two *Henries* dyed young.

James Percy, (the now Claimant) Married, and hath 3 Sons, (*viz.*) *Anthony*, *Henry*, and *John*.

Anthony Percy, is Married, and hath Iſſue, *Henry Percy*, Grandſon of *James Percy* the now Claimant.

The following Account makes out this Pedigree *fully, and at large down from* Henry Percy *5th. Earl of* Northumberland, *to the Claimant* James Percy, *his* Sons, *and* Grand-ſon, Henry Percy.

141463

A True Pedegree to prove the Claymant, James Percy, *to be the ſecond Son of* Henry Percy *of* Horton *in the County of* Northampton, *who was third Son of* Henry Percy *of* Pavenham *in the County of* Bedford, *who was the eldeſt Son of Sir* Ingelram Percy, *Knt. who was the third Son of* Henry *Lord* Percy, 5th. *Earl of* Northumberland, *By which Deſcent the Claymant is Couſin and next Heir-male to* Joſcelin Percy *the late and* 11th. *Earl of* Northumberland, *Deceaſed.*

HENRY Lord *PERCY*, Fifth Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne* and *Bryan*, and Knight of the moſt Noble Order of the Garter,

Who married *Katherine*, one of the Daughters and Co-heirs of Sir *Robert Spencer* Knight; by whom he had Iſſue,

1*ſt. Henry* Lord *Percy*, 6*th.* Earl of *Northumberland*; who Dyed without Iſſue.

2*d. Thomas Percy* Knight, who was Executed; had to Wife, *Eleanor*, one of the Daughters and Co-heirs of Sir *Gwichard Harbottle* Knight; by whom he had Iſſue, *Thomas* the 7*th.* Earl of *Northumberland*, who was beheaded at *York*, and dyed without Iſſue-male; And *Henry* the 8*th.* Earl of *Northumberland*, whoſe Iſſue is incerted hereafter.

3*d.* Sir *Ingelram Percy* Knight, who was married, as by the Oath of Mr. *Henry Champion*, who kept the Books and Records of the *Percies*.

Henry Lord *Percy* 6*th.* Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne* and *Bryan*, Knight of the moſt Noble Order of the Garter, who Dyed at *Hackny* near *London* the day before the Calends of *July* 1537. leaving no Children behind him, The Dignity of the Earl of *Northumberland* was vacant till the time of *Edward* VI. *John Dudly* Earl of *Warwick*, Viſcount *Liſle*, Lord *Baſſet* and *Tyes* was intituled Duke of *Northumberland* the 5*th.* year of King *Edward* VI. But when he was Dead, *Thomas Percy* Nephew to this *Henry* by *Thomas* his Brother, who was Executed; In the Reign of Qu. *Mary*, was reſtor'd to all the Honours of that Family.

Thomas Percy, Nephew to *Henry* 6*th.* Earl of *Northumberland* by his Brother *Thomas*, when the ſtock of the *Percies* were fading; to their Relief was inveſted to the Earldom of *Northumberland*, which the Earl of *Warwick* held before; and thereby was the 7*th.* Earl of *Northumberland* of that Family, Lord of the Honours of *Cockermouth*, *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne* and *Bryan*; Queen *Mary* beſtowing thoſe Honours upon him, and his Heirs Male; (and for want of ſuch Iſſue, Then to *Henry* his Brother, and his Heirs Male,) by her Letters Patents, dated the *firſt* day of *May* 1557. and whatſoever elſe of the Antient Patrimonies of the Earls remained, Seiſed, or Forfeited: But if He ſhould die without Iſſue Male, Then it ſhould go to his Brother *Henry*, and his Iſſue Male. And although (to Honour him the more,) Queen *Elizabeth* made him Knight of the moſt Noble Order of the Garter; Yet He, (unmindful of all thoſe Be-

nefits)

nefits,) Conſpir'd with *Charles* Earl of *Weſtmerland*, to Depoſe, by Force, Qu. *Elizabeth*; So by Authority of Parliament he was Condemned for High Treaſon, and as Chief in the Conſpiracy, was beheaded at *York*, 14*th.* year of Queen *Elizabeth*.

Who married *Anne* the Daughter of *Henry Somerſet* Earl of *Worceſter*, and had Iſſue Male, *Thomas*, that dyed young, and 4 Daughters; Heirs Males Extinct, And

Henry Percy 8*th.* Earl of *Northumberland*, Lord of the Honours of *Cockermouth*, *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne* and *Bryan*; all which Honours he enjoy'd by virtue of the Letters Patents given by Queen *Mary* to his Brother *Thomas*, and was Created *Anno* 1574. He was after accuſed of Treaſon; and being in the Tower of *London*, ſlew himſelf with a Dag charg'd with Two Bullets, (before his Cauſe was heard, or that he was Arraigned,) in the Month of *July* 1585.

ARMS Quarter'd as before,

Who married *Katherine* one of the Daughters and Co-heirs of *John Nevel* Lord *Latimer*, by whom he had Iſſue,

1. *Henry* the 9*th.* Earl.
2. *Thomas*, who dyed young.
3. *William*.
4. Sir *Charles Percy* Knight.
5. Sir *Richard Percy* Knight.
6. Sir *Alan Percy* Knight.
7. Sir *Joſceline Percy* Knight.
8. *George Percy* Eſqr.

Henry Lord *Percy* 9*th.* Earl of *Northumberland*, Lord of the Honours of *Cockermouth*, and *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne*, and *Bryan*, and (in his Mothers right,) Lord *Latimer*; He was Knight of the moſt Noble Order of the Garter, by Qu. *Elizabeth*, in the Year of our Lord 1593.

Who marryed *Dorothy*, Daughter of *Walter Devereux*, Earl of *Eſſex*; by whom he had Iſſue,

1. *Algernon*, the 10*th.* Earl.
2. Lord *Henry*, who dyed without Iſſue.

Algernon, the 10*th.* Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne*, *Bryan* and *Latimer*, Knight of the moſt Noble Order of the Garter, *Lord Admiral* of *England*, and *General* over His Majeſties Forces for his Expedition 1640. and one of His Majeſties moſt Honourable Privy Council: He marryed Two Wives: by the former he had 4 Daughters; and by the latter Wife, 1 Son, (*viz.*) *Joſceline*.

Joſceline, the 11*th.* Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, Lord *Percy*, *Lucy*, *Poynings*, *Fitz-payne*, *Bryan* and *Latimer*, Deceaſed;

Who married *Elizabeth*, Daughter to the Earl of *Southampton*, by whom he had Iſſue

1. *Henry*, who dyed young.
2. *Elizabeth*, who marry'd the Lord *Ogle*.

(*Heirs Males Extinct.*)

The Collateral Line.

Sir *Ingelram Percy*, the 3*d.* and youngeſt Son of *Henry Percy* the 5*th.* Earl of *Northumberland*; who married, and had Sons and Daughters, as by the Oath of Mr. *Henry Champion*, who kept the *Percies* Books and Records; where he found what he teſtify'd upon Oath, at the Tryal between *Utting* Plaintiff, and *Coppleſton* Defendant; He had Iſſue,

1. *Henry Percy*,
2. *Robert Percy*,

} and 2 Daughters.

About 1559. theſe 4 Children were (in the time of Troubles in Queen *Elizabeths* Days) ſent out of the North in Hampers, to old Dame *Vaux* at *Haraden* in *Northamptonſhire*, and there were brought up, preſerved, and provided for. Therefore it is concluded by all, that Sir *Ingelram's* Lady, (the Mother of thoſe Children, (muſt be related to Dame *Vaux's* Family.

The Counteſs *Dowager* of *Dorſet*, *Pembrook*, and *Montgomery*, ſaid, *That if the Claimant*, James Percy, *were her Kinſman, he muſt be deſcended of thoſe Children that were ſent into the* South *in Hampers*. [Note] There were but few Coaches in thoſe days. *Margaret* that married the firſt Earl of *Cumberland*, whom the Counteſs of *Dorſet* deſcended from, was Sir *Ingelram Percie's* own Siſter. And while the Claymant was with this Lady, enquiring and delivering Declarations in Ejectment, the Eſtate was all begg'd, as his printed Book makes appear more at large.

That which wildernized the Claymant, was, the rending the matchings of the *Percies* out of the Herald's Book, and likewiſe the Herald-painter left Sir *Ingelram* quite out of the [illegible] Pedegr[illegible]

Henry

141463

Henry, the eldeſt Son of Sir *Ingelram*, marryed the Daughter of one *Tibtt*, by whom he had Iſſue,

1. *James Percy*, who dyed about the year 1654. in *Ireland*, without Iſſue-male.
2. *William*, who died young.
3. *Henry*. And 3 Daughters.

Henry Percy married *Lidea* the Daughter of Mr. *Robert Cope* of *Horton* in *Northamptonſhire*, by whom he had Iſſue,

1. *Henry*, who dyed young.
2. *James*.
3. *Henry*, who dyed young.

} 1 Daughter, named *Elizabeth*.

James, the now Claymant, born 1619. of *Henry* and *Lidea* his Wife, who was 2*d*. Son of *Henry*, who was firſt Son of Sir *Ingelram*, who was 3*d*. Son of *Henry*, 5*th*. Earl of *Northumberland*, who was great great Grandfather of the Claymant *James Percy*, who married *Sarah* the Daughter of *John Sayer* of *Norwich*, Gent. by whom he hath Iſſue,

1. *Anthony Percy*, married and hath a Son (*viz.*) *Henry*.
2. *Henry*.
3. *John*.

UPon a tripartine Exchange, the Countries from *Trent*, to the North-ward, was the Lot of the *Percies*, in Memory whereof the ſame being in the *Geographical* Form of an Half-moon, Creſcent is their Cognizance. *Sir W. Churchil's Hiſtory, fol. 257.*

A ſhort Abſtract of the fore-going Narrative, co-temporizing down from *Henry* the 5*th*. Earl of *Northumberland*, who had as before the following (Iſſue) 6*th*. Earl of *Northumberland*, *Henry* eldeſt Son, who dyed without Iſſue.

Thomas ſecond Son had two Sons, both Earls. — Sir *Ingelram Percy* third Son had two Sons, *viz.*

7*th*. and 8*th*. Earls, *Thomas*, and *Henry*, firſt Couſins unto — *Henry*, *Robert*.

9*th*. Earl, *Henry*, and his Bretheren, ſecond Couſins unto — *James*, *Henry*.

10*th*. Earl, *Algernon* and his Brother, third Couſins unto — *James*.

11*th*. Earl, *Joſcelin*, fourth Couſin unto — *Anthony*, *Henry*, *John*.

The Lady *Elizabeth Percy* married to the Lord *Ogle*, 5*th*. Couſin unto — *Henry*.

This may ſatisfie all wiſe Men of the Truth of this Pedigree; As for the Claymant *James Percy*, he doth acknowledge the miſtake of claiming under Sir *Richard Percy*, who was born *Anno* 1573. And *James Percy*, who was Unckle and Godfather to the Claymant, was born 1581. So by this Account Sir *Richard* muſt have been a Grandfather at 8 years of Age. This is an impoſſible thing indeed.

But here lies the Myſtery, and the very Truth of this matter; and it was his Councels advice, to fix upon a wrong party, which (ſaid they) would be the only way to find out the right party; For the Matches of the *Percies* was rent out of the Heralds book, and Sir *Ingelram Percie*'s Name was quite left out of the firſt Pedegree, which wildernized the Claymant, and the Councels too, which forced the Claymants Councel to tell the Lords in Parliament, that the Cauſe did not lie before their Lordſhips, but ought to be tryed before the inferiour Courts firſt; and if the Law could not end it, then it was to return, and come before their Lordſhips again, to debate and to determine: Since which time it hath been found out by a Verdict at Law, that *James Percy*, is the Legitimate Son of *Henry Percy* and *Lidia* his Wife. And upon Petitions, as in the printed Book may appear, The Kings Moſt Excellent Majeſty hath graciouſly condeſcended that the Lords in Parliament ſhall determine the ſaid Cauſe.

It

It is hoped that this just account will abate that mistake of Clayming under Sir *Richard*; for the Lord Chief Justice *Hayls* said at the first Tryal, *That the Plaintiff had proved himself his undoubted Father and Mother, by Grandfather and Grandmother, but had taken his Descent too Low, he must go a step or two Higher.* And the Lord Chief Justice *Hayls* declared to the Jury at that Tryal against *Wright* for Scandal, *That the Plaintiff had proved himself Legitimate*, and therefore did not examine the third part of his Witnesses, but said, *His Pedegree was fully proved at a Tryal before that Court.* So that the Plaintiff ought to have had a Verdict then, when Mr. *Henry Thurston's* Oath did perfect and fix the Pedegree as before declared. And the Lord Chief Justice *Scroggs*, at the last Tryal against *Blackstone* for Scandal, and the whole Court did own the Pedegree of the Plaintiff; only said, *The Declaration was naught.* When in Truth it was debated and allowed at the first part of the Tryal; which is good Cause of Error. As the Claymant hath Learned to find out the Truth, even so he doth most humbly pray, That all Wise, Learned, and Conscientious men may take Courage, like the Lord Chief Justice *Hayls* and his Brethren, and strictly inquire into the very bottom of the matter, and to set aside all mistakes, and set up Truth, and maintain and speak cordially to and for Justice; this being the only way to clear the Innocent and put a stop to Oppression. And the Relieved (as in Duty bound) shall ever pray for his Majesties long Life, and the Prosperity of Him, His Realms, and Kingdoms.

The above Claymant had two Petitions read in Council, 21 *July* 1680. (and rejected) It seems it was objected, that the Man whom the Claymant claimed under must be a Grandfather at eight years old. It is hoped the account aforesaid will fully satisfie and procure a right understanding at the second hearing before the Lords in Parliament: And there being no president, as the Claymant is informed, that the Orders of this House do perpetually bar, where the party hath not been fully heard.

For *Henry*, 5*th*. Earl, had Sir *Ingelram*,
——— who had *Henry*, and he had *Henry*,
——— who had *James* the Claymant.

This Truth is as clear as the Sun at Noon-day, and blows over the misty mistake of Clayming under Sir *Richard Percy*.

It was the putting down of the Court of Wards, and setting up of Priviledges on all sides against the true Heir-male, and the general neglect of the Heralds in the Colateral Line, and the treacherous Actings of his Solicitor, did obstruct and delay all this ———————.

Moreover, the Lord *Ogle* that married the Lady *Elizabeth Percy*, hath endeavoured to change his Name from *Cavendish* to *Percy*, and also to have obtained an Act of Parliament to settle and confirm upon him (the aforesaid Lord *Ogle*) all those Lands which are annexed to the Title and Earldom of *Northumberland*; which Lands formerly were firmly settled upon the Heir-males of the *Percies* for ever.—— See the Records and the Verdict exemplified, and pray a stop may be put to the Lord *Ogle's* Act of Parliament, by reason the Lands are beggid, bought, sold and scattered. The undoubted Right, and next Heir-male of the *Percies* in Bloud, and so proved at Law, and therefore he most humbly and earnestly prays, *That an Act of Parliament may be had, to restore him to his* Birth-right, Title, Estate, Preheminence, Priviledges, Place *and* Seat *of his Ancestors, As hath been done heretofore to several of the* Percies, *the Earl of* Kent *and others.* This being the 11*th*. Year of the Claim of

JAMES PERCY.

Who humbly Beggs, Prays, and Cries for speedy Justice!

141463

141463